

## REMARKS

The Notification of Defective Response dated May 21, 2009, indicates that several requirements relating to the Sequence Listing have not been satisfied. The Notification has been reviewed, including the PAIR document dated February 26, 2009, referenced on page 2 of the Notification. Applicants respectfully submit that requirements set forth in 37 C.F.R. §1.821-1.825 have been satisfied.

First, the Notification states that the paper and computer readable form (CRF) of the Sequence Listing is not the same. Applicants respectfully traverse and note for the record that the previous response filed February 9, 2009, included a printout of the “txt” file uploaded as the CRF with the response. Therefore, it is respectfully submitted that the paper and CRF are the same.

Second, the Notification requests an amendment directing entry of the Sequence Listing into the application. Although it is believed that the previous response filed February 9, 2009, has satisfied this requirement, nevertheless, Applicants respectfully request entry of the Sequence Listing filed February 9, 2009.

Third, the Notification also requests that a statement be submitted that indicates the content of the Sequence Listing and CRF is identical and includes no new matter. It is noted for the record that such a statement satisfying the requirements of 37 C.F.R. § 1.825 was submitted with the substitute Sequence Listing submitted February 9, 2009.

Fourth, the Notification indicates that the content of the CRF previously submitted does not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823 as indicated on the marked up “Raw Sequence Listing.” The Notification also references the PAIR document dated February 26, 2009. In the referenced document, the Reviewer Comments relate specifically to SEQ ID NOS:14 and 15, as discussed below in (a) and (b), respectively.

(a) With respect to SEQ ID NO:14, the Comments state that the <223> response “describing RNA bases is incorrect: t’s are at the location between 1 and 19: t’s are not RNA bases.” Applicants respectfully submit that the description under <223> “other information” for SEQ ID NO:14 is correct. First, SEQ ID NO:14 has been categorized under <212> “type” as

“DNA.” Second, under <222>, positions 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18 and 19 have been specifically listed. It is noted for the record that these are all the positions of SEQ ID NO:14 except for the “t’s” at positions 4, 9, 15, 17, 20 and 21. Accordingly, the description of SEQ ID NO:14 as “DNA” for all but positions 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18 and 19, which are described as RNA, is correct and proper.

(b) With respect to SEQ ID NO:15, the Comments state that “n” can only represent a single nucleotide, nothing else. Applicants respectfully submit that the description under <223> “other information” and the indication the position as “n” for SEQ ID NO:15 is correct. The “other information” under <223> for SEQ ID NO:15 is indicated as “n = tetrafluoroindole.” Further, the position of “n” has been properly referenced as position 4 under <222>, which is the only “n” recited in SEQ ID NO:15. As stated in the previous response filed February 9, 2009, and under 37 C.F.R. § 1.822(b) “each occurrence of a base or amino acid not appearing in WIPO Standard ST.25 (1998), Appendix 2, Tables 1 and 3, shall be listed in a given sequence as “n” or “Xaa,” respectively, with further information, as appropriate, given in the Feature section.” Accordingly, Applicants respectfully submit that, since “tetrafluoroindole” is not a nucleotide recited in Table 1, the designation as “n” as representing “other,” in this case tetrafluorindole, is proper.

In light of the comments above, Applicants respectfully submit that the Sequence Listing previously submitted with the response filed February 9, 2009, is in compliance with the requirements of 37 C.F.R. § 1.821-1.825. Accordingly, since no modification of the previously submitted Sequence Listing appears to be necessary and so that the record is clear, a substitute Sequence Listing and CRF are not being submitted with the present response. As indicated above, Applicants respectfully request entry of the Sequence Listing previously submitted February 9, 2009.

**10/592,919**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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